



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE MATTHEWS FIRM
2000 BERING DRIVE
SUITE 700
HOUSTON, TX 77057

COPY MAILED

AUG 03 2004

OFFICE OF PETITIONS

In re Application of :
Crawford and Lamb :
Application No.10/691,309 : **DECISION GRANTING PETITION**
Filed: October 22, 2003 :
Attorney Docket No. PET-004:CIP2 :

This is a decision on petition filed May 10, 2004, requesting that the above-identified application retain the presently accorded a filing date of October 22, 2003, with Figure 11 as described in the specification as part of the original disclosure.

On October 22, 2003, the above-identified application was filed. On March 9, 2004, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice"), stating that the application had been accorded a filing date of October 22, 2003, however, Figure 11 appeared to have been omitted. The Notice also required an oath or declaration to be filed and a surcharge for the late filing of the same. Relative to the omitted item, the Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on May 10, 2004, applicants filed the renewed petition along with a copy of the Office date-stamped postcard acknowledging receipt of 12 sheets of drawings on October 22, 2003, and a complete copy of the informal drawings including Figure 11.

Upon review of the record, Figure 11 as described in the specification has not been located among the application papers. However, the evidence is convincing that the application papers deposited October 22, 2003, included Figure 11, which was subsequently misplaced by the Office. Therefore, the application, including Figure 11 as described in the specification, was complete on filing and entitled to the presently accorded filing date of October 22, 2003.

Accordingly, the petition is granted; the language in the Notice relative to the omitted figure is vacated, accordingly. The petition fee of \$130.00 will be refunded in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of October 22, 2003, using the 12 sheets of drawings filed October 22, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0010.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions